

Serial No.: 10/788,620

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is less than twenty.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

Amendment to the Claims

Claims 1 and 11 have been amended to recite a step of determining that the attempted call cannot be routed beyond the switching center. Support for this Amendment can be found throughout the Patent Application, such as at page 4, first full paragraph. Claim 4 has been amended for clarity in view of amended Claim 1.

Claim 13 has been amended to recite that a voice-based communication cannot be delivered to the callee through the telephone network, the automatic creation of a message out of the outgoing call information, and that the message through the

Serial No.: 10/788,620

Internet is the only message received by the callee or persons on a list of designated telephone lines. Again the support for this Amendment can be found throughout Applicants' Specification, which explains that attempted calls can be answered by voicemail or may not be deliverable (page 1) and that the invention automatically sends an Internet message when the attempted call cannot be routed to reach the callee (either directly or through voice messaging).

New Claims 14 and 15 have been added and find support at, for example, page 9, last paragraph, page 12, last paragraph, page 13, first paragraph, and Table 1 on page 13.

No new matter has been added to the claims by this Amendment.

Claim Objections

Claim 13 has been amended to remove the unintended period, thereby rendering the objection moot.

Claim Rejections - 35 U.S.C. §112

The term "telephone network/internet domain" is the "name" of the network interface. Applicants believe that one of ordinary skill in the art would

Serial No.: 10/788,620

understand the terminology use, and that the use of the term “telephone network/internet domain” does not render the claim indefinite or unclear.

Claim 13 has been amended and no longer includes the objectionable term, thereby rendering the rejection moot.

Applicants believe that the above Amendment and comments overcome the rejection of Claims 1-10 and 13.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-4 and 6-11 under 35 U.S.C. §102(e) as being anticipated by Lamb et al., U.S. Patent 6,747,970, is respectfully traversed.

The Lamb et al. Patent discloses smart processing of a telephone call by a user agent, including forwarding the call to a further call destination identified by the callee (i.e., call forwarding to a cell phone) (Col. 33, line 58, through col. 35, line 40). The user agent also can send an email or instant message that a call was received but not forwarded (Col. 51, lines 28-32). In the Lamb et al. Patent, the call reaches the callee, and the callee’s user agent is programmed how to handle the received call.

Applicants’ claimed invention is intended to handle the situation where the call cannot be completed. In other words, the user agent would not receive the call and would not know to send a message. The Lamb et al. Patent does not teach or

Serial No.: 10/788,620

suggest a method of communicating, by way of an Internet connection, a call that cannot be routed from a switching center to the callee. For at least this reason, the Lamb et al. Patent does not anticipate Claims 1-4 and 6-11.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of Claims 1-3, 6-9, 12, and 13 under 35 U.S.C. §102(e) as being anticipated by Zafar et al., U.S. Patent 7,142,646, is respectfully traversed.

The Zafar et al. Patent discloses a voice mail alert system, whereby an Instant Message or other alert is sent when the user's voice mail system is accessed by a caller (Col. 7, lines 33-65). As discussed above, Applicants' claimed invention is directed to a method where the call cannot be completed, i.e., the call cannot be routed beyond a switching center (Claim 1) and thus never reaches the callee's voice mail system. The Zafar et al. Patent does not teach or suggest a method of communicating, by way of an Internet connection, a call that cannot be routed from a switching center to the callee. For at least this reason, the Zafar et al. Patent does not anticipate Claims 1-3 and 6-9.

Claim 13 has been amended to recite that a voice-based communication cannot be delivered to the callee through the telephone network, and that the message

Serial No.: 10/788,620

through the Internet is the only message received by the callee or the persons on the list of designated telephone lines. In the Zafar et al. Patent, the IM messaging is activated once the voice mail system is accessed by a callee. Therefore, the Zafar et al. Patent system operates using deliverable voice-based communications, and does not anticipate Applicants' claimed invention.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections - 35 U.S.C. §103

The rejection of Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Lamb et al., U.S. Patent 6,747,970, in view of Adamczyk, U.S. Patent 7,283,620, is respectfully traversed.

Claim 5 depends from Claim 1 and is patentable for at least the same reasons as discussed above. The teachings of the Adamczyk Patent in combination with the Lamb et al. Patent do not overcome the deficiencies discussed above.

New Claims

New Claims 14 and 15 have been added and are patentable over the prior art of record. As discussed above, the prior art of record does not disclose or

Serial No.: 10/788,620

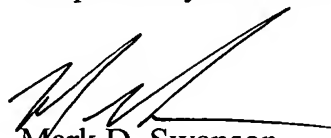
suggest sending an Internet-based message when a call to a callee cannot be completed. By this same reasoning, the prior art of record also does not provide or suggest sending a message based upon a detection point that indicates that the telephone user disconnected the telephone before the public switched telephone network is able to complete any call.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed or resolved in this response, the undersigned attorney again requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
(847) 490-1400
FAX (847) 490-1403